

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Before Commissioners:

Ruth Y. Goldway, Chairman;
Mark Acton, Vice Chairman;
Dan G. Blair;
Tony L. Hammond; and
Nanci E. Langley

Lafayette Postal Facility
Freehold, New Jersey

Docket No. A2011-19

NOTICE AND ORDER ACCEPTING APPEAL AND
ESTABLISHING PROCEDURAL SCHEDULE

(Issued June 28, 2011)

Notice is hereby given that, pursuant to 39 U.S.C. 404(d), the Commission received two petitions for review of the closing of the Lafayette Postal Facility in Freehold, New Jersey.¹ The first petition, which was filed by A. Richard Gatto on behalf of the Freehold Center Management Corporation, included an application for suspension of the determination. On June 24, 2011, a second petition for review was filed by Duane O. Davison on behalf of the Township of Freehold, New Jersey.

¹ Petition for Review, Application for Suspension of Determination of the Postal Service to Close Lafayette Postal Trailer Pending Appeal and Petition for Review, Request for Oral Arguments, filed by A. Richard Gatto, Freehold Center Management Corporation, June 22, 2011. The Petition includes five exhibits. See also Petition for Review of Closure Decision—Postal Service Facility at 13 Lafayette Street, Freehold, New Jersey 07728, filed by Duane O. Davison, on behalf of the Township of Freehold, New Jersey, June 24, 2011 (Petition).

The Commission hereby institutes a proceeding under 39 U.S.C. 404(d)(5) and designates the case as Docket No. A2011-19 to consider Petitioners' appeals. If Petitioners would like to further explain their positions with supplemental information or facts, Petitioners may either file a Participant Statement on PRC Form 61 or file an initial brief with the Commission no later than July 27, 2011.

Categories of issues apparently raised. Petitioners raise two issues: (1) the failure of the Postal Service to follow the procedural requirements of 39 U.S.C. 404(d) and 39 CFR 241.3 for closing a post office; and (2) the failure of the Postal Service to consider the impact the closing would have on the community (see 39 U.S.C. 404(d)(2)(A)(i)).

After the Postal Service files the administrative record and the Commission reviews it, the Commission may find that there are more legal issues than those set forth above, or that the Postal Service's determination disposes of one or more of those issues. The deadline for the Postal Service to file the administrative record with the Commission is July 7, 2011. See 39 CFR 3001.113. In addition, the due date for any responsive pleading by the Postal Service to this Notice is July 7, 2011.

Application for Suspension of Determination. In addition to its Petition, Freehold Management Corporation filed an application for suspension of the Postal Service's determination (see 39 CFR 3001.114). Commission rules allow for the Postal Service to file an answer to such application within 10 days after the application is filed. The Postal Service shall file an answer to the application no later than July 5, 2011.

Availability; website posting. The Commission has posted the appeal and supporting material on its website at <http://www.prc.gov>. Additional filings in this case and participant's submissions will also be posted on the Commission's website, if provided in electronic format or amenable to conversion, and not subject to a valid protective order. Information on how to use the Commission's website is available online or by contacting the Commission's webmaster via telephone at 202-789-6873 or via electronic mail at prc-webmaster@prc.gov.

The appeal and all related documents are also available for public inspection in the Commission's docket section. Docket section hours are 8 a.m. to 4:30 p.m., Monday through Friday, except on Federal government holidays. Docket section personnel may be contacted via electronic mail at *prc-dockets@prc.gov* or via telephone at 202-789-6846.

Filing of documents. All filings of documents in this case shall be made using the Internet (Filing Online) pursuant to Commission rules 9(a) and 10(a) at the Commission's website, *http://www.prc.gov*, unless a waiver is obtained. See 39 CFR 3001.9(a) and 3001.10(a). Instructions for obtaining an account to file documents online may be found on the Commission's website or by contacting the Commission's docket section at *prc-dockets@prc.gov* or via telephone at 202-789-6846.

The Commission reserves the right to redact personal information which may infringe on an individual's privacy rights from documents filed in this proceeding.

Intervention. Those, other than the Petitioners and respondent, wishing to be heard in this matter are directed to file a notice of intervention. See 39 CFR 3001.111(b). Notices of intervention in this case must be filed on or before July 25, 2011. A notice of intervention shall be filed using the Internet (Filing Online) at the Commission's website unless a waiver is obtained for hardcopy filing. See 39 CFR 3001.9(a) and 3001.10(a).

Further procedures. By statute, the Commission is required to issue its decision within 120 days from the date it receives the appeal. See 39 U.S.C. 404(d)(5). A procedural schedule has been developed to accommodate this statutory deadline. In the interest of expedition, in light of the 120-day decision schedule, the Commission may request the Postal Service or other participants to submit information or memoranda of law on any appropriate issue. As required by Commission rules, if any motions are filed, responses are due 7 days after any such motion is filed. See 39 CFR 3001.21.

It is ordered:

1. The Postal Service shall file an answer to the application for suspension of the Postal Service's determination no later than July 5, 2011.
2. The Postal Service shall file the administrative record regarding this appeal no later than July 7, 2011.
3. Any responsive pleading by the Postal Service to this Notice is due no later than July 7, 2011.
4. The procedural schedule listed below is hereby adopted.
5. Pursuant to 39 U.S.C. 505, Richard A. Oliver is designated officer of the Commission (Public Representative) to represent the interests of the general public.
6. The Secretary shall arrange for publication of this Notice and Order in the *Federal Register*.

By the Commission.

Shoshana M. Grove
Secretary

PROCEDURAL SCHEDULE

June 22, 2011	Filing of Appeal
July 5, 2011	Deadline for the Postal Service to file answer responding to application for suspension
July 7, 2011	Deadline for the Postal Service to file the administrative record in this appeal
July 7, 2011	Deadline for the Postal Service to file any responsive pleading
July 25, 2011	Deadline for notices to intervene (see 39 CFR 3001.111(b))
July 27, 2011	Deadline for Petitioners' Form 61 or initial brief in support of the petition (see 39 CFR 3001.115(a) and (b))
August 16, 2011	Deadline for answering brief in support of the Postal Service (see 39 CFR 3001.115(c))
August 31, 2011	Deadline for reply briefs in response to answering briefs (see 39 CFR 3001.115(d))
September 7, 2011	Deadline for motions by any party requesting oral argument; the Commission will schedule oral argument only when it is a necessary addition to the written filings (see 39 CFR 3001.116)
October 20, 2011	Expiration of the Commission's 120-day decisional schedule (see 39 U.S.C. 404(d)(5))